

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TETYANA SPOLITAK,

Plaintiff,

Case No. 23-cv-13227

Hon. Matthew F. Leitman

v.

STATE SERENE LLC, *et al.*,

Defendants.

**ORDER (1) GRANTING PLAINTIFF LEAVE
TO FILE A SECOND AMENDED COMPLAINT, (2) DENYING
DEFENDANTS' MOTION FOR LEAVE TO EXCEED PAGE
LIMITATIONS (ECF No. 19), AND (3) STRIKING DEFENDANTS'
MOTION FOR JUDGMENT ON THE PLEADINGS (ECF No. 20)**

Now pending before the Court is Plaintiff Tatyana Spolitak's First Amended Complaint. (*See* First Am. Compl., ECF No. 12.) In that pleading, Spolitak alleges that Defendants State Serene LLC, Naomi Loy, and Mark Loy engaged in housing discrimination. (*See id.*) On June 22, 2024, Defendants filed two motions: (1) a motion for leave to exceed the Court's page limitations with respect to their motion for judgment on the pleadings and (2) an over-sized motion for judgment on the pleadings. (*See* Motions, ECF Nos. 19, 20.) Defendants also requested expedited consideration of their motions. (*See id.*)

The Court held a status conference on June 26, 2024, to discuss Defendants' motions. For the reasons explained during the status conference, **IT IS HEREBY ORDERED** as follows:

- Defendants' motion for leave to exceed the Court's page limitations (ECF No. 19) is **DENIED**;
- Defendants' over-sized motion for judgment on the pleadings (ECF No. 20) is **STRICKEN** from the record because it does not comply with the Court's Local Rules; and
- Defendants' request for expedited consideration is **DENIED**.

Given the ruling above, what remains pending before the Court is Spolitak's First Amended Complaint. In their oversized motion and brief, Defendants argued that Spolitak had not pleaded sufficient facts to support her claims in her First Amended Complaint. Without expressing any view regarding the merits of that argument, the Court will grant Spolitak the opportunity to file a Second Amended Complaint in order to remedy the alleged deficiencies in her allegations identified in Defendants' now-stricken motion. The Court does not anticipate allowing Spolitak another opportunity to amend to add factual allegations that she could now include in her Second Amended Complaint. Simply put, this is Spolitak's opportunity to amend her allegations to cure the alleged deficiencies in her claims.

By **July 8, 2024**, Spolitak shall file a notice on the docket in this action notifying the Court and Defendants whether she will amend her First Amended Complaint. If Spolitak provides notice that she will be filing a Second Amended Complaint, she shall file that amended pleading by no later than **July 15, 2024**.

If Spolitak provides notice that she will be filing a Second Amended Complaint, Defendants may re-file a motion to dismiss and/or for judgment on the pleadings directed at the Second Amended Complaint if they believe that such a motion is appropriate after reviewing that pleading.

If Spolitak provides notice that she will **not** be filing a Second Amended Complaint, then Defendants may file a new motion for judgment on the pleadings by not later than **July 25, 2024**.

Any motion filed by Defendants shall comply with the page limitations identified in the Court's Local Rules.

Finally, the parties need not submit a proposed discovery plan until directed to do so by further order of the Court.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 27, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 27, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126